

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
VINCENT DIBERARDINO,
Defendant.

8:13CR107

ORDER

This matter is before the court on the motion to continue by defendant Vincent Diberardino (Diberardino) (Filing No. 334). Diberardino seeks a continuance of the trial scheduled for December 8, 2014. Diberardino's counsel represents that Diberardino will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Diberardino's motion to continue trial (Filing No. 334) is granted.

2. Trial of this matter is re-scheduled for **January 5, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **December 1, 2014, and January 5, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 1st day of December, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge